

UNREDACTED
VERSION OF EXHIBIT 1
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UNDER SEAL IN ITS
ENTIRETY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

5 WAYMO LLC,)
6 Plaintiff,)
7 vs.) Case No.
8 UBER TECHNOLOGIES, INC.;) 17-cv-00939-WHA
9 OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
10 Defendants.)

)

12 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

20 Reported by:
21 MARY J. GOFF
22 CSR No. 13427
23 Job No. 2714429
24
25 PAGES 1-145

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11 Defendants.)
12 _____)

HIGHLY CONFIDENTIAL

16 Videotaped Deposition of MICHAEL J. WAGNER,
17 Volume I, taken on behalf of Defendants,
18 at Morrison & Foerster, 425 market Street,
19 33rd Floor, San Francisco, beginning at
20 9:34 a.m. and ending at 12:30 p.m., on
21 September 22, 2017, before MARY GOFF, Certified
22 Shorthand Reporter No. 13427.

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1	A Yeah, but I -- he thinks -- he thinks my	12:07:51
2	profile is not as good as my straight face.	12:07:53
3	THE VIDEOGRAPHER: What he said. Do you	12:07:57
4	want to stay on or -- we can stay on.	12:07:59
5	EXAMINATION BY COUNSEL FOR THE DEFENDANTS	12:08:03
6	BY MR. SCHUMAN:	12:08:04
7	Q All right. Good afternoon, Mr. Wagner.	12:08:07
8	A Good afternoon, Mr. Schuman.	12:08:10
9	Q Mr. Wagner, I represent a company called	12:08:14
10	Otto Trucking LLC. Do you know who Otto Trucking	12:08:16
11	is?	12:08:18
12	A I do.	12:08:19
13	Q Who is Otto -- what's your understanding	12:08:20
14	of who Otto Trucking is?	12:08:21
15	A Well, I -- I believe it's a company that's	12:08:23
16	owned by -- principally owned by Mr. Levandowski and	12:08:25
17	Lior.	12:08:32
18	And it is in -- has signed an -- an	12:08:34
19	acquisition of purchase agreement with Uber where	12:08:37
20	it -- it's Uber's discretion to purchase that	12:08:42
21	company between now and sometime in November. And	12:08:45
22	it is a company that is focused on applying LiDAR	12:08:48
23	technology to trucks.	12:08:52
24	Q Do you know whether Otto Trucking has any	12:08:56
25	employees?	12:08:58

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1 A Well, my understanding is they do not, at 12:08:59
2 least from the last facts that I have. 12:09:01
3 Q Do you have any understanding as to 12:09:04
4 whether Otto Trucking does any research and 12:09:04
5 development activities? 12:09:07
6 A I -- I -- I don't know whether they do or 12:09:12
7 not. I understand that Uber is advancing 12:09:15
8 development funds to them, so I -- I would think 12:09:18
9 they do. But whether that's done with -- actually 12:09:21
10 being done by Uber and not your client, I -- I don't 12:09:25
11 know. 12:09:28
12 Q Okay. You're not offering any opinions in 12:09:29
13 this case as to any damages caused to Waymo specific 12:09:31
14 to Otto Trucking; is that right? 12:09:36
15 A That's correct. 12:09:38
16 Q Okay. And so then your damages -- I'm 12:09:38
17 going to walk through briefly -- not in the level of 12:09:44
18 detail that Uber's counsel did, but I just want to 12:09:46
19 walk through your -- your principal opinions in this 12:09:48
20 case. 12:09:50
21 You have offered two unjust enrichment 12:09:50
22 calculations and a -- and a reasonable royalty 12:09:55
23 measure, correct? 12:09:59
24 A That's fair. 12:10:00
25 Q Okay. The first unjust enrichment measure 12:10:01

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1 values the accelerated development to -- that Uber 12:10:05
2 was able to achieve through the alleged 12:10:10
3 misappropriation of these nine trade secrets, right? 12:10:13
4 A Yes. 12:10:16
5 Q And -- and your opinion -- that -- we'll 12:10:17
6 call that your first unjust enrichment opinion. 12:10:20
7 That opinion is based on internal Uber 12:10:24
8 documents showing some accelerated development, 12:10:28
9 correct? 12:10:31
10 A That's fair. 12:10:32
11 Q That opinion is not based on any Otto 12:10:34
12 Trucking documents; is that right? 12:10:36
13 A It is not. 12:10:40
14 Q So would you agree with me then that your 12:10:42
15 first unjust -- unjust enrichment theory is not 12:10:45
16 applicable to Otto Trucking? 12:10:48
17 MR. EISEMAN: Objection as to form. 12:10:50
18 A You know, I -- what I would say is that 12:10:51
19 unless Uber exercises its option to purchase Otto 12:10:56
20 Trucking or shares this accelerated depreciation - 12:11:01
21 or accelerated development with Otto Trucking, then 12:11:04
22 my calculations have nothing to do with your client. 12:11:10
23 Q (BY MR. SCHUMAN) Right. And as we sit 12:11:15
24 here today, you know that Uber has not exercised the 12:11:15
25 option to the purchase Otto Trucking, right? 12:11:18

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1	A	I -- I don't know that. But those facts	12:11:21
2		have not been brought to my attention. And if it	12:11:23
3		had happened, I fully expect I would be aware of it.	12:11:26
4	Q	Right. And the accelerated -- sharing the	12:11:30
5		accelerated development with Otto Trucking, what did	12:11:33
6		you mean by that?	12:11:36
7	A	Well, if -- if -- if as a result of Uber	12:11:36
8		accelerating development of LiDAR on their veh -- on	12:11:43
9		their vehicles for their transportation as a	12:11:46
10		service, they -- they're also -- then by Otto	12:11:48
11		Trucking -- and Otto Trucking is going to get into	12:11:51
12		the market one or two years earlier than they	12:11:54
13		otherwise would -- then I think it might be	12:11:58
14		appropriate to your client. But unless those facts	12:12:00
15		occur, what I have calculated has nothing to do with	12:12:03
16		your client.	12:12:05
17	Q	All right. And as we sit here today, you	12:12:06
18		do know that those facts that you have just in your	12:12:07
19		last answer summarized have not occurred yet, right?	12:12:10
20	A	That's correct.	12:12:13
21	Q	Your second unjust enrichment calculation	12:12:14
22		is based on the cost that -- that you have opined	12:12:16
23		Uber saved in its development of autonomous vehicles	12:12:20
24		through alleged use of these nine trade secrets,	12:12:25
25		right?	12:12:29

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1	A	Yes.	12:12:29
2	Q	And again, that's based on Uber documents	12:12:29
3		showing a \$20 million per-month run rate for its R&D	12:12:33
4		program on autonomous vehicles, right?	12:12:39
5	A	Yeah, documents and I believe deposition	12:12:42
6		testimony of Mr. Bares.	12:12:44
7	Q	Fair. Right. And -- and so your second	12:12:45
8		unjust enrichment calculation is not based on any	12:12:48
9		Otto Trucking-specific evidence; is that fair?	12:12:50
10	A	That is fair.	12:12:55
11	Q	So your second unjust enrichment	12:12:55
12		calculation, would you agree with me, is not	12:12:57
13		applicable to Otto Trucking?	12:13:00
14		MR. EISEMAN: Objection as to form.	12:13:02
15	A	Yes, with the same caveats as I discussed	12:13:02
16		on the first calculation.	12:13:05
17	Q	(BY MR. SCHUMAN) Right. So assume --	12:13:07
18		assume for purposes of this question that Otto	12:13:08
19		Trucking pays Uber some amount of money for the work	12:13:11
20		that Uber employees are -- are doing on	12:13:18
21		autonomous -- the development of autonomous trucks.	12:13:22
22		Have you seen any evidence in the	12:13:25
23		materials you reviewed as to what Otto Trucking's	12:13:28
24		burn rate is for that development?	12:13:32
25	A	No.	12:13:35

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1 Q Okay. Did -- on the list of materials you 12:13:36
2 reviewed or at least considered is the Brent Schwarz 12:13:39
3 deposition. 12:13:44
4 Do you recall reviewing any portions of 12:13:45
5 Mr. Schwarz's deposition? 12:13:47
6 A I personally do not. 12:13:48
7 Q You have a separate section of your 12:13:55
8 report -- and we were just covering this with Uber's 12:13:58
9 counsel -- unjust enrichment related to Trade Secret 12:14:02
10 No. 90. And I think you have an **\$8 million** unjust 12:14:04
11 enrichment figure for that; is -- 12:14:08
12 A Yes -- 12:14:10
13 Q -- that right? 12:14:10
14 A -- that's correct. 12:14:11
15 Q And that is -- that -- is that based on 12:14:12
16 any Otto Trucking documents or evidence? 12:14:15
17 A No. 12:14:17
18 Q Does that theory have any applicability to 12:14:18
19 Otto Trucking? 12:14:20
20 MR. EISEMAN: Objection as to form. 12:14:21
21 A You know, I -- no, again, with the same 12:14:22
22 caveats. And -- and I personally believe that my 12:14:26
23 work is only relevant unless client is -- you will 12:14:28
24 have no role at the trial, **because your client will** 12:14:32
25 **be owned by Uber.** And I assume Uber's counsel will 12:14:35

1 be representing their interests at that point. But 12:14:38
2 I -- that's only way I see my work as relevant to 12:14:41
3 your client. 12:14:44
4 Q (BY MR. SCHUMAN) Right. So the same 12:14:49
5 caveat -- the same caveats that you're referring to 12:14:49
6 in that answer are -- are the sort of -- we'll call 12:14:51
7 them speculative future possibility that Uber 12:14:54
8 acquires Otto Trucking and shares some of these 12:14:58
9 benefits that you have quantified with Otto Trucking 12:15:01
10 in the future; is -- 12:15:04
11 MR. EISEMAN: Objection. 12:15:05
12 Q (BY MR. SCHUMAN) -- that -- 12:15:05
13 MR. EISEMAN: Objection. Sorry. 12:15:06
14 Q (BY MR. SCHUMAN) Am I -- 12:15:07
15 MR. EISEMAN: Objection as to form. 12:15:09
16 Q (BY MR. SCHUMAN) I didn't ask the question 12:15:09
17 yet. Do you understand that -- do I understand your 12:15:10
18 caveats correctly? 12:15:14
19 MR. EISEMAN: Objection as to form. 12:15:15
20 A Yes. If you took just the 12:15:16
21 word "speculative" out of your question, I would 12:15:18
22 agree with what you said. 12:15:21
23 I mean -- yeah, I don't know whether 12:15:24
24 they're going to get acquired or not. But you know, 12:15:25
25 clearly your -- your client is -- is getting a lot 12:15:27

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1 of funds from Uber. Uber is forwarding -- committed 12:15:29
2 to forward a lot of funds to your client. There -- 12:15:32
3 there is a -- a deal done that your client -- client 12:15:34
4 will have to accept and Uber can force on your 12:15:38
5 client, if they want to. 12:15:41
6 I don't know what their mind-set is right 12:15:43
7 now, and I don't know how much development on the 12:15:45
8 truck has been done as to whether Uber believes it's 12:15:47
9 appropriate to purchase your client. 12:15:51
10 So I don't think it's wild speculation, 12:15:54
11 but I clearly do not know whether it will happen or 12:15:56
12 not. But then all the caveats apply. 12:16:00
13 Q (BY MR. SCHUMAN) Right. So fair enough. 12:16:03
14 Taking out the word "speculative." I know we don't 12:16:03
15 like using that word. The caveats you're referring 12:16:06
16 to regarding the applicability of your unjust 12:16:09
17 enrichment damage theories, those caveats are Uber 12:16:12
18 acquires Otto Trucking and that Uber shares some of 12:16:17
19 the technology it's developing using the allegedly 12:16:21
20 misappropriated trade secrets with Otto Trucking; is 12:16:25
21 that right? 12:16:28
22 A That's -- that's -- again, that's my 12:16:28
23 conclusion -- or that would be my opinion as a 12:16:30
24 damage expert. 12:16:33
25 Q If both of those assumptions are true, 12:16:33

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1	then your damages opinions -- your unjust enrichment	12:16:36
2	damages opinions may have some applicability to Otto	12:16:39
3	Trucking, correct?	12:16:41
4	MR. EISEMAN: Objection as to form.	12:16:44
5	A That's fair.	12:16:44
6	Q (BY MR. SCHUMAN) You also have a	12:16:49
7	reasonable royalty rate calculation, and that	12:16:52
8	measures the amount that Uber would have agreed to	12:16:55
9	pay Waymo in this hypothetical negotiation set in	12:16:57
10	the -- somewhere in the December 15 -- August --	12:17:01
11	between December '15 and August 2016 time period,	12:17:04
12	right?	12:17:08
13	A Correct.	12:17:09
14	Q You didn't do any separate calculation of	12:17:09
15	the amount that Otto Trucking would have agreed to	12:17:11
16	pay Waymo at a hypothetical negotiation set during	12:17:15
17	that same time period, correct?	12:17:20
18	A That is accurate.	12:17:22
19	Q Okay. And then for the reasonable royalty	12:17:23
20	calculation that you did, you start with a baseline	12:17:25
21	of Uber's unjust enrichment. And then you adjusted	12:17:28
22	upward based on some analysis you have done of	12:17:32
23	certain of the Georgia-Pacific factors. Namely 4,	12:17:36
24	5, 6, 8, and 11, correct?	12:17:38
25	A Those are the only ones that had any	12:17:42

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1 impact on changing the number from the baseline. 12:17:45

2 That is correct. 12:17:47

3 Q And -- and Factor 5 -- this is addressed 12:17:48

4 in your report at paragraphs 399 to 401 -- that -- 12:17:52

5 that factor deals with the commercial relationship 12:17:55

6 between Waymo and Uber and some documents that you 12:17:58

7 referred regarding the -- the potential competitive 12:18:02

8 relationship between those two companies, right? 12:18:08

9 A Yes. 12:18:10

10 Q That analysis in Factor 5 is -- is 12:18:11

11 inapplicable to -- to my client Otto Trucking -- 12:18:13

12 A Yeah -- 12:18:16

13 Q -- correct? 12:18:16

14 A -- as discussed in my report, that is 12:18:16

15 correct. 12:18:19

16 Q Right. And -- and Factor 8 deals with 12:18:20

17 expected future profitability. And you analyzed 12:18:25

18 Waymo's and Uber's projections for profitability of 12:18:29

19 autonomous vehicles. 12:18:36

20 And in your view, that factor counseled in 12:18:36

21 favor of some enhancement to the baseline for the 12:18:38

22 reasonable royalty calculation, right? 12:18:42

23 A That's fair. 12:18:44

24 Q Okay. And -- and you were working with 12:18:45

25 Waymo and Uber projections there, not any 12:18:48

1 projections from Otto Trucking, right? 12:18:51
2 A Correct. I don't believe I have seen any 12:18:52
3 projections for your client -- 12:18:54
4 Q Right. 12:18:56
5 A -- and so I poss -- I could not have 12:18:56
6 possibly considered them. 12:18:58
7 Q Okay. You answered my next question, so 12:18:59
8 that'll make us go a little faster. 12:19:01
9 Factor 11 talks about the extent of the 12:19:04
10 use of the invention. This is addressed at 12:19:06
11 paragraphs 424 and 428 of your report. And again, 12:19:09
12 you find that that factor pushes the base -- the -- 12:19:12
13 the reasonable royalty baseline up a little bit 12:19:13
14 because of your assumptions based on the work of 12:19:17
15 others that -- that Uber has used these trade 12:19:21
16 secrets, right? 12:19:24
17 A Yes. 12:19:25
18 Q And you -- you have not done or are -- at 12:19:28
19 least -- have -- have you seen any evidence of any 12:19:30
20 use of any of these trade secrets by my client, Otto 12:19:33
21 Trucking? 12:19:36
22 MR. EISEMAN: Objection as to form. 12:19:37
23 A I have not. 12:19:37
24 Q (BY MR. SCHUMAN) And so your analysis of 12:19:41
25 Factor 11 is inapplicable to my client, Otto 12:19:42

1	Trucking, right?	12:19:46
2	MR. EISEMAN: Objection as to form.	12:19:47
3	A Based on the information that I have at	12:19:48
4	this time, that is correct.	12:19:50
5	Q (BY MR. SCHUMAN) Okay. Mr. Wagner, if the	12:19:53
6	jury finds that -- and this is the hypothetical, so	12:19:55
7	it's -- follow me here. If the jury finds that Uber	12:19:57
8	and Ottomotto -- strike that. I'm going to start	12:20:01
9	over.	12:20:05
10	Hypothetical: If at trial in this case	12:20:05
11	the jury finds in favor of Uber -- Uber and	12:20:06
12	Ottomotto -- so a defense verdict for them -- but	12:20:10
13	against Otto Trucking on liability, what's your	12:20:13
14	opinion as to the damages that Waymo would be	12:20:17
15	entitled to as to my client, Otto Trucking?	12:20:20
16	MR. EISEMAN: Objection as to form.	12:20:23
17	A I would need more facts to know if there's	12:20:24
18	any relevance of what I have done would apply to	12:20:25
19	your client in that hypothetical.	12:20:28
20	Q (BY MR. SCHUMAN) So as you sit here today	12:20:30
21	based on the work you have done so far up to and	12:20:32
22	including today, you don't have an opinion of what	12:20:35
23	damages Waymo would be entitled to under that	12:20:38
24	hypothetical verdict --	12:20:40
25	MR. EISEMAN: Objection.	12:20:41

1	Q	(BY MR. SCHUMAN) -- is that fair?	12:20:41
2		MR. EISEMAN: Objection as to form.	12:20:43
3	A	I do not.	12:20:43
4	Q	(BY MR. SCHUMAN) In -- in response to some	12:20:44
5		of the questions you got from Uber's counsel, you --	12:20:50
6		you mentioned that you personally spent	12:20:55
7		approximately 64 hours total working on -- working	12:20:58
8		on your opinions in this case. Obviously, your	12:21:01
9		staff spent many more hours than that.	12:21:04
10		Approximately what percentage of your	12:21:06
11		64 hours, Mr. Wagner, did you spend focusing on	12:21:09
12		calculating damages specific to my client, Otto	12:21:14
13		Trucking?	12:21:16
14	A	Zero.	12:21:17
15	Q	Just bear with me a second.	12:21:25
16	A	But I could -- the approximate -- it's	12:21:27
17		exactly 64.0 hours through September 15. And it's	12:21:30
18		been 13.4 hours since then before today.	12:21:36
19	Q	I would --	12:21:39
20	A	-- between September 15 and today.	12:21:40
21	Q	In response to some questions from Uber's	12:21:44
22		counsel, I think you made clear that your damages	12:21:45
23		are based on Uber's use of -- alleged use of the	12:21:46
24		trade secrets in its development of its autonomous	12:21:53
25		vehicles.	12:21:56

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1	If the evidence at trial shows that my	12:22:01
2	client, Otto Trucking, has not used any of those	12:22:04
3	trade secrets, would you agree with me that your	12:22:07
4	opinions are irrelevant to Otto Trucking?	12:22:10
5	MR. EISEMAN: Objection as to form.	12:22:13
6	A I'm not giving you a legal opinion. But	12:22:16
7	as -- my judgment as a damage expert, you are	12:22:17
8	correct.	12:22:20
9	Q (BY MR. SCHUMAN) You mentioned that you	12:22:29
10	had documents in this case from Uber with its own	12:22:31
11	modeling of the benefits of -- of -- well, let me --	12:22:38
12	let me ask it -- strike that. Let me start that	12:22:44
13	question again.	12:22:47
14	Do you remember some testimony you gave in	12:22:48
15	response to Uber's counsel where you characterized	12:22:49
16	some of the information you got from -- that you	12:22:52
17	were able to review from Uber as the Rosetta Stone	12:22:55
18	in your field?	12:22:57
19	Do you remember that --	12:22:59
20	A I --	12:22:59
21	Q -- testimony?	12:22:59
22	A -- do remember that.	12:23:00
23	Q And -- and what is the information again	12:23:01
24	that you characterize as being the Rosetta Stone in	12:23:03
25	your field?	12:23:05

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1 A Well, you know, I -- well, let me -- let 12:23:06
2 me give you an example of another case that I 12:23:07
3 testified in last year in a similar fact situation 12:23:10
4 of this case where there's no product in the market 12:23:13
5 yet. There's regulatory approvals that need to be 12:23:16
6 done that weren't done yet; that there would be no 12:23:20
7 commercialization for years into the future. And I 12:23:21
8 had the business plans of the company that took the 12:23:24
9 trade secrets. 12:23:30

10 Now, there they provided me the model, and 12:23:31
11 they never made a calculation of what the impact 12:23:36
12 would be on them to accelerate the development by 12:23:39
13 any amount of time. I had to get into their model, 12:23:43
14 understand the logic, and make that calculation 12:23:46
15 myself. 12:23:47

16 In this case I have the same thing in that 12:23:49
17 I have projections done at the time of the alleged 12:23:51
18 theft by the party who was alleged to have taken the 12:23:55
19 trade secrets. 12:23:59

20 But they have even gone to the next step 12:24:01
21 of actually quantifying the impact of acceleration, 12:24:04
22 and so that's why I say it's the Rosetta Stone. 12:24:07
23 Normally I have to do more work than I did in this 12:24:09
24 case, but Uber has done it for me. 12:24:12

25 Q Right. And have you seen any similar 12:24:17

1 documents from my client, Otto Trucking? 12:24:20
2 A I knew that was next question. The answer 12:24:23
3 is no. And you're closing the loop. 12:24:25
4 MR. SCHUMAN: Why don't we take a 12:24:32
5 two-minute break. I don't think I have anything 12:24:33
6 more, but why don't we just -- 12:24:36
7 MR. BERRY: I actually have a couple of 12:24:36
8 questions. 12:24:38
9 MR. SCHUMAN: Well, I'm not sure I'm done 12:24:38
10 yet. I just want to -- 12:24:40
11 MR. BERRY: Okay. 12:24:41
12 MR. SCHUMAN: -- take a two-minute break 12:24:41
13 and make sure. And then if you have something else. 12:24:41
14 MR. BERRY: Okay. 12:24:44
15 MR. SCHUMAN: -- you guys can take that 12:24:45
16 up. 12:24:46
17 THE VIDEOGRAPHER: It's 12:24 p.m. We're 12:24:47
18 going off the record. 12:24:49
19 (A break was taken from 12:24 p.m. to 12:24:51
20 12:28 p.m.) 12:25:12
21 THE VIDEOGRAPHER: We are back on the 12:28:09
22 record. It's 12:28 p.m. 12:28:09
23 Q (BY MR. SCHUMAN) Mr. Wagner, did either 12:28:15
24 the Quinn firm or Waymo ask you or your firm to 12:28:17
25 prepare any damages opinions specific to my client, 12:28:22

1	Otto Trucking?	12:28:27
2	A I don't recall that specific instruction.	12:28:28
3	Q As you sit here today, do you plan to do	12:28:31
4	any work between now and the time of trial on	12:28:33
5	developing opinions regarding damages specific to my	12:28:38
6	client, Otto Trucking?	12:28:45
7	A No.	12:28:46
8	MR. SCHUMAN: Okay. I have no further	12:28:47
9	questions for you. Thank you for your time.	12:28:49
10	A Thank you.	12:28:52
11	MR. EISEMAN: Mr. Berry, what do you	12:28:56
12	consider this -- these questions? Do you consider	12:28:58
13	them to be redirect?	12:28:59
14	MR. BERRY: I haven't even thought about	12:29:02
15	how to characterize it.	12:29:03
16	EXAMINATION BY COUNSEL FOR THE DEFENDANTS	12:29:08
17	BY MR. BERRY:	12:29:12
18	Q Mr. Wagner, I had a -- a couple of	12:29:12
19	questions. The first is: Your opinions in this	12:29:13
20	case assume that Uber is going to go to market and	12:29:15
21	commercialize its AV technology using the Fuji	12:29:19
22	LiDAR, right?	12:29:23
23	MR. EISEMAN: Objection as to form.	12:29:24
24	A I -- again, I -- I think that's assumed.	12:29:24
25	But again, that's a better question for	12:29:27

1 I, MARY J. GOFF, CSR No. 13427, Certified
2 Shorthand Reporter of the State of California,
3 certify;

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth, at
6 which time the witness declared under penalty of
7 perjury; that the testimony of the witness and all
8 objections made at the time of the examination were
9 recorded stenographically by me and were thereafter
10 transcribed under my direction and supervision; that
11 the foregoing is a full, true, and correct
12 transcript of my shorthand notes so taken and of the
testimony so given;

13 That before completion of the deposition,
14 review of the transcript () was (XX) was not
15 requested: () that the witness has failed or
refused to approve the transcript.

16 I further certify that I am not financially
17 interested in the action, and I am not a relative or
18 employee of any attorney of the parties, nor of any
19 of the parties.

20 I declare under penalty of perjury under the
21 laws of California that the foregoing is true and
22 correct, dated this 23rd day of September, 2017.

23
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25

MARY J. GOFF, CSR No. 13427